

Minutes
Well Contractors Certification Commission Meeting
August 7, 2018

The regularly scheduled meeting of the Well Contractors Certification Commission was called to order on Tuesday, August 7, 2018 at **11:13 am** at 131 W. Margaret Ln., Hillsborough, NC, Room 004 with Chairman Doug McVey presiding. The following persons were in attendance for the meeting:

Commission Members

Justin Barefoot
David Brown
Jonathan Dills (via phone)
Doug McVey
Todd Muench
Daniel Ortiz
Billy Yow

Laura Honeycutt

WCC Staff

Andrew Morgan
Gina Brown

DHHS Staff

Nancy Deal
Wilson Mize

Legal Staff

John Barkley

Guests

Glen Shoemaker
Van Elliott

I. Preliminary Matters

(1) Chairman Doug McVey welcomed everyone in attendance and called the meeting to order. He then read the NC State Government Ethics Act which mandates that the Chairman inquire as to whether any member knows of a conflict of interest or appearance of conflict with respect to matters before the Commission. He asked if any member knows of a conflict of interest or appearance of a conflict. No conflicts noted.

(2) The chairman also read a statement on the purpose of the Well Contractors Certification Commission: (Article 7A-Well Contractors Certification, G.S. 87-98.3). **Purpose:** It is the purpose of this Commission to protect the public health and safety by ensuring the integrity and competence of well contractors, to protect and beneficially develop the groundwater resources of the State, to require the examination of well contractors and the certification of their competency to supervise or conduct well contractor activity, and to establish procedures for the examination and certification of well contractors.

(3) Notation of Any Revisions or Additions to the Agenda

Chairman McVey asked the Commissioners if they had any additions or revisions to add to today's agenda. No revisions or additions to agenda.

II. Action Items

(1) Approval of Minutes

The Commission reviewed the May 1, 2018 meeting minutes. Commissioner Ortiz (Daniel was not a part of the Commission at the August meeting, please review notes) (he was at the beginning of the meeting, Laura had yet to be sworn in) made a motion that the minutes be approved, Commissioner Yow made a second to the motion. A vote was taken and the motion passed unanimously.

(2) At the request of Chairman McVey, Agenda Action Item number 4 was moved to Agenda Action Item number 2.

Legal Staff John Barkley took the floor with an explanation for possible conflicts appointing two commissioners from the same county. Mr. Barkley suggested the appointment should hold until clarification is received from the General Assembly. Commissioner Dills (via phone) suggested the appointment continue and Commissioner Yow and Chairman McVey agreed. Commissioner Laura K Honeycutt was sworn in by DHHS Staff Wilson Mize.

(3) Van Elliott contested case hearing

Mr. Barkley took the floor. After meeting with the Disciplinary Committee, an offer was made to reduce the 180-day suspension to 3 months starting two weeks from current Well Contractors Certification Commission Meeting. Mr. Barkley explained that a vote from the full commission was not needed at this time. Commissioner Yow asked if the reinstatement after the 3-month

suspension would require additional continuing education. The suspension from the Disciplinary Committee did not require any continuing education.

(4) Presentation of Service Award to Daniel Ortiz

Chairman McVey presented Mr. Ortiz with a plaque for his 6 years of service to the Commission.

(5) Appointments to the Review and Budget Committee

Commissioner Todd Muench volunteered to sit on the Review Committee and Laura Honeycutt volunteered to sit on the budget Committee.

(6) Rulemaking: Adoption of Rule .0120

Staff Andrew Morgan took the floor. No comments were received during the public comment period between April 2, 2018 and June 1, 2018 for the adoption of this rule and there was zero attendance to the public hearing on April 23, 2018. Commissioner Dills (via phone) called for a motion and Commissioner (who?) seconded the motion. The Commission took a vote; all in favor, non-opposed.

(7) Discussion of the Commission Going Independent vs. Staying in State Government (DHHS)

Chairman McVey stated concerns he has experienced in his recent encounters with DHHS and requested Commission keep the conversation open and moving forward. Chairman McVey responded to Commissioner Honeycutt's request for historical information, specifically past transactions and taking of Commission funds while the Commission was under DWQ. Commissioner Yow stated that if the Commission went independent and overspent their funds, they would have to go back to the State Government and start over. In order to keep costs down while independent, Chairman McVey suggested having one full time position (Mr. Morgan) and possibly a part time assistant to Mr. Morgan. Other options to minimize spending would be that the staff work from home and that free meeting rooms be reserved at local Health Departments.

Commissioner Yow asked how much was paid for the WCC program study. Commissioner Brown questioned the 3% per year drop in certified well contractors predicted in the program study. WCCC Staff Drew Morgan was asked to send out a copy of the power point presentation from Daneene Barton from the May 1, 2018 meeting. Discussion moved to the program owned state vehicle. Commissioners Yow and Brown agreed that the vehicle needs to be dependable, with conversation on the average mileage amounts on different State and County vehicles prior to retirement from service. Former Commissioner Ortiz stated the Commission does not have to provide a vehicle and Per-Diem payments could be used. Legal Staff John Barkley provided information on the risk of being independent and being sued as a Commission and as Commissioners without the back up from the State. Commissioner Muench asked about cost control, social security and family insurance plan cost information. Commissioner Honeycutt stated Guilford County takes annual salary multiplied by 1.479 to determine total compensation package. Commissioner Yow stated that he could check into and provide liability insurance information if they were to go independent. Chairman McVey asked for information from different Boards from around the State to check their cost and organization. The conversation about possibly going independent ended with Chairman McVey requesting this subject be kept open for future discussion.

III. Information Items

(1) Reappointment of Commissioner McVey

(2) Staff Report

The staff report was presented by Mr. Morgan.

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|------------------------------|----|
| 1) Exam Reviews | 6 |
| 2) Exams | 22 |
| 3) Field Observations | 4 |
| 4) Civil Penalty Assessments | 5 |

There were no questions or comments.

(3) Review Committee Report

Commissioner Brown presented the Review Committee report for Committee meetings held May 1, June 18 and July 28 2018. There were 1089 renewals this year and 7 out of 15 passed at the last exam session in Myrtle Beach. 14 continuing education courses reviewed and approved. There were no questions or other comments.

(4) Budget Committee Report

Committee Chairman Yow asked WCCC Staff Drew Morgan to inform the Commission of Committee decisions made during the July 2018 meeting.

Mr. Morgan stated the Committee decisions:

- 1) Attend 2018 National Ground Water in Las Vegas - No.
- 2) Have an outreach booth at 2019 NC GWA - Yes, if no fee.
- 3) Have an outreach booth at 2019 VWWA - No, however, Mr. Morgan to attend the event.
- 4) Have an outreach booth at 2019 TWWA - Yes.
- 5) Have an outreach booth at 2019 Jubilee – Yes, Budget Committee meeting scheduled during the event.

Mr. Morgan thanked Commissioners Brown, Muench and Yow for their assistance administering the exam at the 2018 Jubilee.

(5) Ethics Update

Mr. Barkley provided the Ethics update. A tracking list of when each Commissioner must obtain ethics training was provided. Commissioners McVey and Dills (via phone) stated they have both completed their training online. Updates were made to the current tracking list.

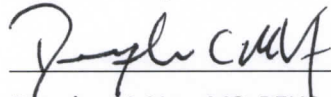
Budget Committee – February 1, 2019 @ 10am, NCGWA Greensboro, NC

VI. Adjournment

With no further business or comments from Commission or Staff, the meeting was adjourned at

Respectfully submitted,
Gina Brown
WCCC Staff

Approved by WCCC:



Douglas McVey, MS, REHS
Chairman, Well Contractors Certification Commission

www.wellcontractors.nc.gov

Feb. 5, 2019

Date